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Testimony of Rep. Colleen Madigan Introducing LD 1009, "Resolve, To Create a Health Care Ombudsman Position To Serve in Maine's County Jails"
April 7, 2021

Good afternoon Senator Claxton, Representative Meyer and fellow members of the Health and Human Services Committee. I am Representative Colleen Madigan, and I represent part of Oakland and part of Waterville. I am here today to introduce LD 1009, "Resolve, To Create a Health Care Ombudsman Position To Serve in Maine's County Jails."

This bill comes out of discussions I have had with advocates and consumers of mental health services. Like several of you, I have been on this committee for a number of years. I can't tell you how many times I have heard county sheriffs, law enforcement, consumers of mental health services, advocates, etc. say that our county jails have become one of the largest providers of mental health services. They don't say this because it's a good thing. I have the utmost sympathy for our county jails, who are often tasked with doing a job they were not designed to do. I also have a lot of empathy for those suffering with mental health issues who come to the attention of law enforcement and end up incarcerated in our county jails. You see, I have spent many years working in the behavioral health field. I have listened to too many people who have struggled with their perceptions and traumas that led to them behaviors that in turn led to problems with the law. Sometimes in working with people under these circumstances it takes a long time to understand what happened, what led to them committing an action that is against the law. I am grateful for the training and experience that has led me to develop those skills.

In discussing what to do about this problem with others, we identified that medical problems can often exacerbate or look like psychiatric problems. We also recognized that county jail staff are often tasked with the impossible. They work in an entirely different system than behavioral health and are not trained in that field. I also want to be clear; I recognize that county jails are doing their best to cross train their staff.

Working with advocates and consumers we came up with an amendment to replace the original bill, which is attached at the end of this testimony. This amendment creates a work group made up of individuals from across these different systems to develop a plan, including exploring funding for solutions to address this problem. I think there are models out there that this group can explore. Solutions work best when everyone buys into them.

I also do not believe that the solution to the problem of our county jails being defacto providers of mental health services is entirely the job of this work group to solve. The plain

truth is that a robust, effective and adequately funded system of mental health services will prevent many people from ending up in jail in the first place. And that would be a much preferred outcome. It would be better for mental health consumers and for county jail staff.

We would all do well to keep this in mind.

Thank you very much. I would be glad to answer any questions, and I look forward to working with you on this bill.

AMENDMENT:

**Resolve, To Create a Health Care Ombudsman Position To Serve in
Maine's County Jails**

Sec. 1. Department of Health and Human Services to designate ombudsman.

Resolved: That the Department of Health and Human Services shall designate an intensive case manager working in the county jails to serve as a health care ombudsman to oversee county jail inmates with medical and mental health care needs and connect them to the health care services for which they qualify. The health care ombudsman also shall assist county jail inmates in receiving the medications they need in a timely fashion.

SUMMARY

This resolve directs the Department of Health and Human Services to designate an intensive case manager working in the county jails to serve as a health care ombudsman to oversee county jail inmates with medical and mental health care needs and connect them to the health care services for which they qualify. The health care ombudsman also assists county jail inmates in receiving the medications they need in a timely fashion.

Amendment Draft

Resolve, To Create a Workgroup to Design Jail Resource Navigators for Maine
County Jails

Membership

1. Two members of the Senate appointed by the President of the Senate,
2. Two members of the House of Representatives appointed by the Speaker of the House,
3. One member representing the Consumer Council System of Maine
4. One member representing community mental health providers
5. One member with expertise researching and funding for programs
6. Two members who have lived experiences in the criminal justice system
7. One member representing legal services organizations
8. One member representing statewide social services
9. One member representing expertise in housing services for persons leaving the criminal justice system.

10. One member representing the Maine Sheriffs' Association.
11. One member that advocates for new Mainers and Immigrant populations.
12. One member representing providers of substance use disorder treatment.
13. One member that supports Maine's Incarcerated population including their family and friends in the criminal justice system.
14. One member that advocates to reduce Maine's recidivism rate in Maine's criminal justice system.

The chairs of the working group shall invite the participation on the working group of a representative of the relevant State Departments and any relevant community organizations that have expertise in providing various resources to inmates at county jails.

Summary

This bill creates the workgroup that will be tasked to design county jail resource navigator services that will support all county jails in Maine with needed resources/services for persons incarcerated. Currently many jail administrators are unable to adequately address this due to lack of personnel dedicated to meet these needs. The group will also research federal/state/other funding that would be used to sustain these programs within independent statewide non-profit(s).

Where is this group going to live? CJPS Committee report bills back out
Report back by when? January 2023

Funding for the workgroup? Legislative staff? Colleen please answer

